

Date: September 20, 2021 / updated February 16, 2022 / updated January 14, 2024

To: Town of Clinton Land Use Board

Attn: Allison Witt (via email awitt@clintonnj.gov)

Clinton, NJ 08809

From: Town of Clinton Environmental Commission, Véronique T. Lambert, Chair
(vtlambert@gmail.com)

The Environmental Commission of the Town of Clinton (EC) has reviewed the submitted plans, reports and environmental impact statement for the Moebus “Clinton Commons” development.

The EC makes these important recommendations to the Land Use Board:

1. Do not lessen the setbacks – maintain our ordinance’s requirement and preserve at 50 ft
2. Require the planting of native evergreens in all buffer areas
3. Restrict business operating hours to minimize noise and light disturbances to neighbors

The following comments and questions are of high interest to the EC and the EC asks that they be considered by the Applicant during their planned testimony to The Town of Clinton Land Use Board.

Lighting

Describe the measures planned to mitigate light pollution and glare from commercial pads that will affect neighboring residential properties. Regarding the commercial pad on southern-most 2558 sq ft – lighting from drive-through (both on-site and from cars) can potentially disturb neighboring residential properties on Georges Place, Center Street and Central Ave. These houses are positioned up-slope from the development site and are therefore more susceptible to light coming from the commercial development. To address this, please consider:

- Place all parking on the northern side of that pad to minimize light disturbance from cars parking on boundary with neighbors.
- Minimize light pollution from south-facing vehicles in the drive-through and at gas pumps.
- Minimize light pollution from exterior fixtures on commercial pads.

Describe how artificial light at night (ALAN) levels will be managed to minimize disruptions to wildlife.

Noise Containment

How will noise disturbance to neighbors (especially those south of the property) from activity at the drive-through be minimized? Please consider:

- Position of the drive-through speakers
- Directional flow of vehicles moving through the drive-through

Stormwater Management

We strongly endorse Condition Nos. 1, 2, and 3 of the [Highlands Council Consistency Report](#) in addressing elements of the plan that are related to stormwater management.

- **Condition No. 1:** Structures (such as loading, storage, and transfer areas) that could be major sources of contaminants in potential karst areas (areas with carbonate rock) should be designed to prevent even unintentional discharge of pollutants to land, waterways and groundwater.
- **Condition No. 2:** The applicant is asked to implement low-impact/green infrastructure strategies for decentralized stormwater management on the site to the maximum extent practicable, instead of the proposed large-scale stormwater basin. We strongly encourage the strategies listed, including pervious paving, bioretention basins/rain gardens, vegetated swales, vegetated roofs (or partial vegetated roofs) and cisterns. We also strongly agree that “it would be helpful to include a Green Infrastructure Exhibit in the site plan package.”
- **Condition No. 3:** “Consider reducing the number of parking spaces to reduce the impervious coverage on the site. If a need is demonstrated, the applicant should consider the installation of porous asphalt parking spacing as a green infrastructure practice to offset the inclusion of additional impervious surface beyond regulatory requirements.”

Landscaping

Will the Applicant consider low-input lawns, meadows, or other ground cover with low-impact maintenance needs to minimize soil compaction and chemical contamination of soil, groundwater, and waterways?

In replacing trees removed for construction, we urge the use of native species that are well-adapted to conditions and provide high levels of ecosystem services, such as wildlife habitat, shade, stormwater uptake, and beauty. We strongly endorse “Condition No. 4” in the [Highlands Council Consistency Report](#) for recommended native plantings.

Addendum (January 15, 2024)

FLOODING

As a result of recent severe rainfall/flooding events in Clinton, we would like to emphasize the following:

As New Jersey’s residents face threats from the devastating impacts of extreme rainfall events, which are expected to continue to intensify in their frequency and severity, the NJ Department of Environmental Protection decided that it must continue to protect public safety by adopting a new “Inland Flood Protection Rule” to ensure that areas at most significant risk are better

defined and that new and reconstructed assets in these areas are designed and constructed using the best available climate-informed precipitation data. Using the best available data is critical to protecting New Jersey's assets, economy and, above all, our people from the catastrophic effects of worsening floods.

The purpose of New Jersey's Inland Flood Protection Rule is to ensure that new investments are well-suited to manage:

- Current levels of rainfall, runoff and flooding
- The anticipated future conditions over the lifetime of an asset
- Support the wise deployment of Ida recovery and water infrastructure investments.
- Inform new development and reconstruction; does not apply to existing development.

Key Points regarding New Jersey's Inland Protection Rule:

- New Design Flood Elevation (DFE) raises fluvial (non-tidal) flood elevation mapped by DEP by two feet.
- Requires use of future projected precipitation when calculating flood elevations
- Ensures that DEP's Flood Hazard Area permits conform to NJ Uniform Construction Code standards and meet or exceed minimum FEMA National Flood Insurance Program requirements.
- Requires stormwater Best Management Practices (BMPs) to be designed to manage runoff for both today's storms and future storms.
- Removes use of Rational and Modified Rational methods for stormwater calculations.
-

The Inland Protection Rule addresses three issues related to increased precipitation due to Climate Change:

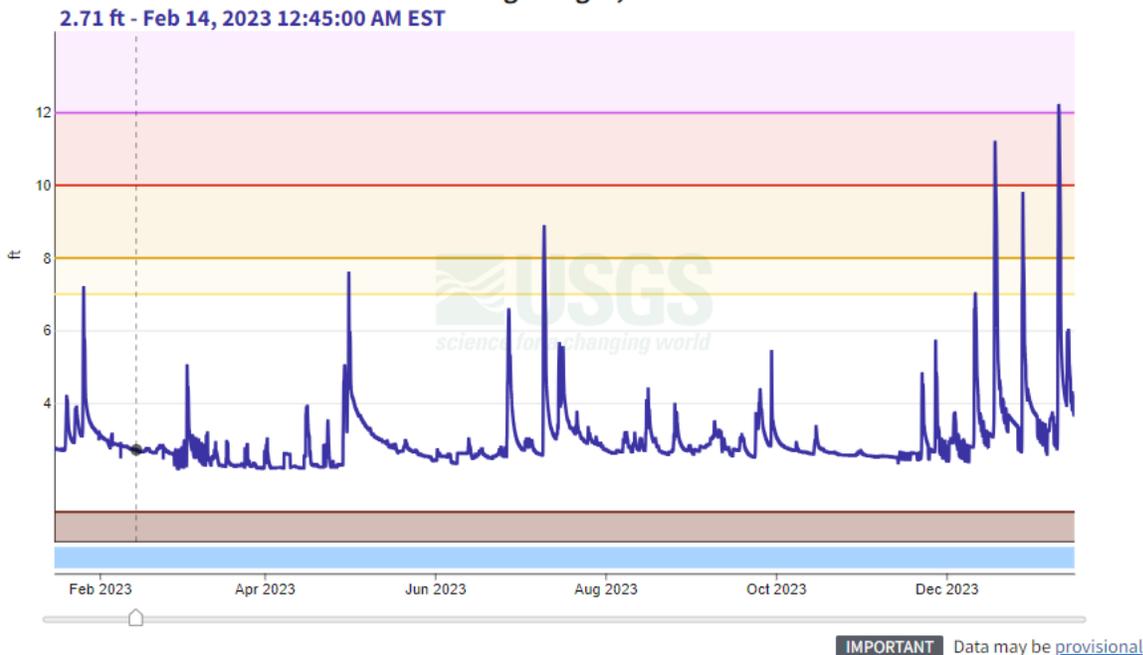
1. Outdated rainfall data used by DEP rules was computed only through 1999.
2. DEP rules do not account for future increases in precipitation due to climate change.
3. Designs based on current flood mapping are not protective for current and future conditions:
 - Flood mapping reflects prior flooding patterns
 - Does not reflect changes due to climate change

Although this application was considered "technically complete" prior to the effective date of these new regulations and the development application may be exempt from the new Inland Flood Protection Rule, a developer could nonetheless agree to voluntarily design its project in accordance the new Inland Flood Protection Rule, which one could logically argue would be in the best interest of both the developer and for the safety of the lives and property of the residents of the Town of Clinton.

South Branch Raritan River at Stanton NJ - 01397000

January 15, 2023 - January 15, 2024

Gage height, feet



The above graph of USGS data from the Stanton Station Flood Guage shows the frequency of flooding events especially over the past six weeks.

Additionally, we would like to see a stormwater management plan for the commercial developments on the project. The project includes a gasoline filling station, and parking lots for a multitude of vehicles which generate oil and gasoline run-off into the river. How will the developer be addressing contaminants that might otherwise enter the river.